IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
Plaintiff,)) 2:18-CR-00292-DWA
VS.	
ROBERT BOWERS,	
Defendant.)

AMBROSE, United States Senior District Judge

MEMORANDUM ORDER OF COURT

Pending is Defendant's Motion to Vacate Clerk of Court's Notice of Compliance and Request to Reset Deadline to File Jury Composition Challenge. (ECF No. 347). In the Motion, Defendant asks the Court to vacate the Notice (ECF No. 337) filed by the Clerk of Court on October 30, 2020 in which the Clerk notified the Court that the jury records identified in the Court's Order dated February 25, 2020 (ECF No. 206) had been made available to the parties. Defendant argues that the Notice is premature because the Clerk's disclosure was incomplete. Defendant also asks that I reset the deadline to file challenges to the 2009 Jury Plan pending full disclosure by the Clerk and/or compliance with any order on Defendant's pending Motion to Compel (ECF No. 280). The Government filed a Response in Opposition (ECF No. 399), and Defendant filed a Reply (ECF No. 403). Both parties agree that clarification may be necessary as to certain aspects of the materials produced by the Clerk in response to the Court's Order. After review, Defendant's Motion (ECF No. 347) is granted in part and denied in part as follows:

To the extent Defendant requests that I vacate the Clerk's October 30, 2020 Notice (ECF No. 206), that request is denied. Simply because the Clerk's production may need clarification or be incomplete does not render the notice "defective." To the extent the Clerk's notice impacted

the deadline for filing Defendant's jury composition challenge, that deadline already has been

suspended and is reset below.

To the extent there remains a need for clarification as to the Clerk's production, within 21

days from the date of this Order, counsel for Defendant and the Government are ordered to (1)

confer with one another regarding the materials they have received to confirm they are the same;

(2) schedule a time to meet and confer jointly with a representative of the Clerk's office as to any

questions, clarifications, or other issues related to the Clerk's productions; and (3) submit any

remaining questions in writing to the Clerk's Office with in 14 days of the joint meeting. All parties

shall be copied on all communications and responses related to the above (i.e., there shall be no

ex parte communications with the Clerk's Office without prior Court approval).

It is FURTHER ORDERED that Defendant's Jury Composition Motion shall be due 30

days after any additional production by Clerk's Office made (1) as a result of the meeting ordered

herein or (2) as ordered in the decision on the Motion to Compel (ECF No. 280), whichever is

later. The Government's Response is due 30 days thereafter. Defendant's Reply shall be due 14

days after the Government's Response.

AND NOW, this 2nd day of April, 2021, IT IS SO ORDERED

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BY THE COURT:

Donetta W. Ambrose

United States Senior District Judge

J. andrase

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